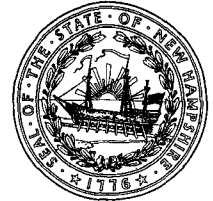




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

May 31, 2005

LETTER OF DEFICIENCY #WSEB 05-065
CERTIFIED MAIL 7099 3400 0003 0690 2923

James Dean
Deans Diner LLC
665 Main Street
Fremont, NH 03044

Subject: Fremont - Public Water System: Jimmy Deans Diner (EPA #0878040)

Dear Mr. Dean:

The records of the Department of Environmental Services (DES) show that the Jimmy Deans Diner water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people, for 60 or more days per year. As such, the water system owner is required to submit samples to the State laboratory or a State-certified laboratory for coliform bacteria analysis in compliance with NH Admin. Rule Env-Ws 325.

DES records show that the subject water system failed to submit bacteria samples and as a result Monitoring/Reporting (M/R) violations were issued for the following months:

January 2005 and April 2005

In view of the Monitoring/Reporting violations, DES believes the deficiencies can be corrected by taking the following actions:

1. **By June 14, 2005**, submit a water routine sample for bacteria analysis to the state laboratory, or a state-certified laboratory, in accordance with NH Admin. Rule Env-Ws 325.

Please continue to submit water samples according to the water system's Master Sampling Schedule enclosed.

Pursuant to Env-Ws 351, owners of public water systems are required to issue public notification when a system has failed to monitor for bacteriological water quality. DES records show that the water system has failed to perform public notification for the April 2005 monitoring violation.

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In view of the public notice violations, DES believes the deficiencies can be corrected, and future violations prevented, by taking the following actions:

2. **By June 20, 2005**, carry out the public notice requirements for the January 2005 and April 2005 sampling violations; and
3. **By June 27, 2005**, provide proof of public notice to DES.

In the event compliance is not achieved within this period, DES may initiate formal action against you, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

Please contact Anne Bailey by phone at (603) 271-0672 or by e-mail at abailey@des.state.nh.us if you have any questions regarding this letter.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'COPY', with a long horizontal stroke extending to the right.

Sarah Pillsbury, P.G., Administrator
Water Supply Engineering Bureau

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Enclosures: Master Sampling Schedule
Public Notice Form

cc w/enclosures: James Dean (via regular mail)

cc: Gretchen R. Hamel, DES Legal Unit Administrator ✓
Town of Fremont Health Officer
NH DH&HS Restaurant Licensing
EPA, Region 1